

REMARKS

The enclosed is responsive to the Examiner's Office Action mailed on May 12, 2009. At the time the Examiner mailed the Office Action, claims 1 and 74-128 were pending. Claims 82-128 were withdrawn from consideration. By way of the present response applicants have: 1) amended claims 1, 75-77, and 79-81; 2) added no claims; and 3) canceled no claims.

Applicants have amended the claims to clarify the subject matter claimed. Support for the amendments is found in the specification as originally filed – e.g., at least in pages 10-13. No new matter has been added.

Reconsideration of this application as amended is respectfully requested.

Information Disclosure Statement

The Examiner objected to the Information Disclosure Statement ("IDS") for failing to provide a concise explanation of the relevance of, or translation of, two foreign language references. Applicants respectfully submit that the references were cited in an International Search Report ("ISR") for PCT/GB2004/001368 mailed July 2, 2004. The present application is a National Phase of and claims priority to PCT/GB2004/001368. The ISR was submitted in an IDS on 2/6/09 and considered by the Examiner on 4/30/09. The ISR states that the two foreign language references define the general state of the art but are not considered to be of particular relevance. Applicants submit herewith an additional IDS including English abstracts for each of the two foreign language references. Additionally, applicants have resubmitted the ISR for the Examiner's convenience. Accordingly, applicants respectfully request that the references be considered.

Claim Objections

The Examiner objected to claim 81 as being of improper dependent form for allegedly failing to further limit the subject matter of a previous claim. Applicants have amended claim 81 to more clearly recite a dependent claim limitation with respect to claim 1. Accordingly, applicants submit that the objection to claim 81 has been overcome.

35 U.S.C. § 112 Rejections

Claims 1 and 74-81 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. In particular, the Examiner states that the "specification does not adequately describe an applicator which alters 'the way' a label is applied." (Office Action dated 5/12/09, page 4). Applicants respectfully disagree. The specification provides multiple examples of ways a label may be applied. For example, the specification states that the orientation of a label can be altered by delivering a pack in a particular orientation or by adapting the orientation of the label applicator. (Specification, page 4, lines 3-6 and 21-33, page 12, line 36 – page 13, line 8, and Figure 4). The specification describes another example in which the label applicator is arranged to apply the label to a predetermined, variable position on a pack, wherein the position may vary from one pack type to another. (Specification, page 5, lines 22-31, and page 12, line 36 – page 13, line 3). The specification describes yet another example in which the label applicator can apply a label to a single face of the pack or multiple faces of the pack. (Specification, page 4, lines 8-14, page 13, line 28 – page 14, line 13, and Figures 5-6).

The Examiner further states that “the breadth of the claims is sufficiently broad such that it is unclear how the required function would be performed.” (Office Action dated 5/12/09, page 4). Applicants respectfully disagree and submit that the claims recite that the label applicator is adapted to alter *the way in which the label is applied depending upon the dimensions of the pack to be labelled*. The way in which a label is applied depends upon the dimensions of the pack. The specification recites multiple examples, as discussed above, and the dependent claims set forth further details as to the way in which the label is applied – e.g., orientation of the pack, label, and/or applicator, and the position of the label on the pack.

Accordingly, applicants submit that the rejection of the claims under 35 U.S.C. § 112, first paragraph, has been overcome.

Claims 1 and 74-81 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Regarding claim 1, applicants submit that the arguments set forth above also overcome the rejection under 35 U.S.C. § 112, second paragraph.

Regarding claim 75, applicants have amended the claim to replace “appropriately” with “relative to one another.” Accordingly, applicants submit that the rejection has been overcome.

Regarding claim 76, applicants have amended the claim to recite an “orientation mechanism” to clarify that a structural feature adjusts the orientation of the label applicator. Accordingly, applicants submit that the rejection has been overcome.

Regarding claim 77, applicants have amended the claim to recite an input to receive an instruction as to how the label is to be applied. Applicants submit that a physical structure is recited and that the instruction includes how the label is to be applied. Additionally, applicants submit that it is not necessary for claim 77 to recite what structure passes the instruction/information. Accordingly, applicants submit that the rejection has been overcome.

Regarding claim 79, applicants have amended the claim to be dependent upon claim 78 to provide proper antecedent basis. Furthermore, applicants have amended claims 78 and 80 to recite a remote processor to pass information to the labelling station or label applicator. Accordingly, applicants submit that these rejections have been overcome.

Regarding claims 76 and 78-80, applicants have amended claim 1 to recite a label applicator to provide proper antecedent basis. Accordingly, applicants submit that the rejection has been overcome.

Claim Rejections – 35 U.S.C. § 102

Claims 1, 74-75, and 77-81 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S Patent No. 6,317,648 by Sleep et al., (hereinafter “Sleep”).

Applicants respectfully submit that Sleep fails to disclose a label applicator that is adapted to alter the way in which the label is applied depending upon the dimensions of the pack to be labelled. Instead, Sleep describes a pre-labeler puck handling station (PHS) that determines the size of the bottle carried by each puck and routes the bottles accordingly to a specific labeler. (Sleep, col. 10, lines 33-36). In other words, Sleep describes multiple line branches that provide a different

labeler for each different bottle size rather than adapting a label applicator depending on the dimensions of the pack.

Sleep also fails to disclose a robot arm to select and retrieve a pharmaceutical pack. In contrast, Sleep only describes an automated packing line – i.e., a conveyor belt. (Sleep, col. 8, lines 8-12).

The Examiner states that that pharmaceutical packs and labels are not structurally limiting to the claims and only provide an intended operation. Applicants respectfully disagree. For example, the label applicator is adapted to alter the way in which the label is applied **depending upon the dimensions of the pack to be labelled**. In contrast, Sleep relies upon multiple labelers to label bottles of varying sizes. The recited structure of claim 1 is dependent upon the packs and labels to be able to use a single labeler to apply labels to packs of varying dimensions. Sleep does not disclose, nor does the Examiner explain, how the system described in Sleep can be operated differently to result in a labeler that can alter the way in which a label is applied depending upon the dimensions of the pack.

Accordingly, applicants respectfully submit that rejection of claim 1 under 35 U.S.C. § 102(b) as being anticipated by Sleep has been overcome.

Given that claims 74-75 and 77-81 are dependent upon claim 1, and include additional features, applicants submit that the rejection of claims 74-75 and 77-81 has been overcome for at least the reasons set forth above.

Claims 1 and 72-81 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,672,356 by Jenkins et al., (hereinafter "Jenkins").

Applicants do not admit that Jenkins is prior art and reserve the right to swear behind the reference.

Applicants respectfully submit that Jenkins fails to disclose a label applicator that is adapted to alter the way in which the label is applied depending upon the dimensions of the pharmaceutical pack to be labelled. Jenkins describes a pallet labeler system, not an automated pharmaceutical dispensing system. While Jenkins describes applying a label to a pallet at a predetermined position defined by label position data, it does so independently of the pallet size. (Jenkins, claims 1 and 11).

Additionally, Jenkins fails to disclose a robot arm to select and retrieve a pharmaceutical pack. In contrast, Jenkins only describes an applicator arm to extend and apply a label to a pallet. (Jenkins, col. 8, lines 4-15). Similar to Sleep, Jenkins uses a conveyor belt system. (Jenkins, Figure 1).

Accordingly, applicants respectfully submit that rejection of claim 1 under 35 U.S.C. § 102(b) as being anticipated by Jenkins has been overcome.

Given that claims 72-81 are dependent upon claim 1, and include additional features, applicants submit that the rejection of claims 72-81 has been overcome for at least the reasons set forth above.

CONCLUSION

Applicants respectfully submit that in view of the amendments and arguments set forth herein, the applicable objections and rejections have been overcome.

Applicants reserve all rights under the doctrine of equivalents.

Pursuant to 37 C.F.R. 1.136(a)(3), applicants hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

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Date: August 12, 2009

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